

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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	:	
CACHET FINANCIAL SERVICES,	:	
	:	
Plaintiff,	:	Civil Action No. 19-CV-1181-FJS-
	:	CFH
-against-	:	
	:	
MYPAYROLLHR, LLC; MICHAEL MANN;	:	
VALUEWISE CORPORATION; ROSS PERSONNEL	:	
CONSULTANTS INC.; SOUTHWESTERN	:	
PAYROLL SERVICES INC.; ESSQUE, INC. (D/B/A	:	
HEUTMAKER BUSINESS ADVISORS); AND DOES	:	
1-10,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF DONALD A. MILLER IN SUPPORT OF REQUEST FOR  
CLERK’S CERTIFICATE OF ENTRY OF DEFAULT JUDGMENT**

I, DONALD A. MILLER, an attorney duly admitted to practice *pro hac vice* before the United States District Court for the Northern District of New York in the above-captioned action, make this declaration pursuant to 28 U.S.C. § 1746. I hereby state as follows:

1. I am a partner at Loeb & Loeb LLP, counsel for Plaintiff Cachet Financial Services (“Cachet”) in the above-captioned action. I am fully familiar with the matters stated below. I submit this declaration in support of Cachet’s request for a Clerk’s certificate of entry of default against Defendants MyPayrollHR, LLC, Michael Mann, Valuewise Corporation, and Ross Personnel Consultants Inc. (“Defendants”).

2. None of the Defendants are infants or incompetent.

3. None of the Defendants are in the military service.

4. Cachet served the Complaint on Defendants, as evidenced by the Waiver of Service filed by each of the Defendants on October 7, 2019. *See* ECF Nos. 8-11.

5. Pursuant to the waivers, Defendants' respective responses to the Complaint were due on November 25, 2019, but to date, Defendants have not responded to the Complaint, nor have Defendants made any appearance in this action.

6. On January 23, 2020, the clerk entered the default of the Defendants.

7. The amount shown on page 22 of Cachet's Motion for Entry of Default Judgment Against Defendants is justly due and owing and no part has been paid by the Defendants.

8. The disbursements sought to be taxed have been made in the instant action or will necessarily be made or incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Los Angeles, California  
February 24, 2020

/s/ Donald Miller  
Donald A. Miller

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2020 I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Southwestern Payroll Services Inc., d/b/a Southwestern Payroll
2. Essque, Inc., d/b/a Heutmaker Business Advisors

And, I hereby certify that I have mailed by the United States Postal Service the document to the following non-CM/ECF Participants, with an electronic courtesy sent via email to:

1. MyPayrollHR, f/k/a Cloud Payroll LLC
2. Michael Mann
3. ValueWise Corporation
4. Ross Personnel Consultants Inc., d/b/a Ross Consultants

c/o Micahel L. Koenig  
Hinckley Allen  
30 South Pearl Street, Suite 901  
Albany, New York 12207  
mkoenig@hinckleyallen.com

Dated: Los Angeles, California  
February 24, 2020

/s/ Donald A. Miller  
Donald A. Miller